

2017 HB183: SCIENTIFIC RESEARCH & EXISTING KRS REFERENCES FOR PREVENTION

a) Enable the use of retailer loyalty card for alcoholic beverage discounts

- **EXISTING LAW:** KRS 244.050 requires sales of alcoholic beverages to be for “full monetary consideration.”
- **EXISTING LAW:** KRS 244.461 permits rebate coupons for distilled spirits and wine issued by manufacturers and importers of distilled spirits and wine, but prohibits rebate coupons on malt beverages.
- **RESEARCH LINK:** The Australian ‘FREO Respects You’ Project (Lang et al. 1998) referenced in the book [“Alcohol: No Ordinary Commodity: Research and Public Policy”](#) recommended alcohol retailers avoid incentives for intoxication (e.g. price specials).

b) Permit retail malt beverage licensees to employ persons ≥18 to sell/serve alcohol if supervised by someone >21

- **EXISTING LAW:** KRS 244.087 – Minors ≥18, may stock, arrange displays, and sell malt beverages by the package, under the supervision of someone ≥20
- **EXISTING LAW:** KRS 244.090 Persons who licensees may not employ – any person who... (c) Is under the age of 20 years, unless the person is employed... In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages: (a) A restaurant that derives at least 50% of its food and beverage sales from the sale of food for consumption on the licensed premises; or (b) Any other establishment with alcoholic beverages sales not exceeding 50% of its gross sales...
- **RESEARCH LINK:** “Research indicates that underage sellers and servers have a harder time refusing sales to underage buyers and are more likely to misjudge the customer’s age, make exceptions for friends, and respond to peer pressure.” ([Forster, J., McGovern, P., Wagenaar, A., Wolfson, M., Perry, C., & Anstine, P. \(1994\). The ability of young people to purchase alcohol without age identification in northeastern Minnesota, USA, *Addiction*, 89:699-705.](#))
- **RESEARCH LINK:** [2015-06 SAMHSA Report to Congress on the Prevention of Underage Drinking: Policy Summary – Minimum Ages for Off-Premises Sellers](#)
- **RESEARCH LINK:** [NIAAA Alcohol Policy Information System: Underage Drinking: Minimum Ages for Off-Premises Sellers State Laws](#)

c) Allow for alcohol home delivery

- **EXISTING LAW:** KRS 244.350 – No retailer of distilled spirits or wine by the package shall deliver or advertise the delivery of distilled spirits and wine.
- **EXISTING LAW:** KRS 244.165 – (1) Unlawful sale and shipment by out-of-state sell directly to a KY consumer (*alcohol direct shipment to consumers/ home delivery is prohibited except as provided in subsection (2)*)...
 - i. (2) (*EXCEPTION*) Permissible shipments of wine into Kentucky by out-of-state small farm wineries....
 - ii. Any person who violates subsection (1) shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any shipments of alcoholic beverages to Kentucky residents, and for the second and each subsequent offense, be guilty of a Class D felony.
- **RESEARCH LINK:** [2016-08 Alcohol PES Alcohol Home Delivery Research Summary](#)
- **RESEARCH LINK:** [2015-12 SAMHSA Report to Congress on the Prevention and Reduction of Underage Drinking: Policy Summary – Home Delivery](#) finding alcohol home delivery increases the potential access of alcohol to minors
- **RESEARCH LINK:** [“Minors Can Easily Avoid Age Requirements When Buying Alcohol Online, Study Suggest” article](#) by Join Together Staff, based on University of North Carolina at Chapel Hill research. This study appears in the [Archives of Pediatrics and Adolescent Medicine](#).